

Planning Commission Hearing Minutes
Date: June 8, 2020

PC MEMBERS	PC MEMBERS ABSENT	STAFF PRESENT
Barbara Nicklas – Chair Ron Burns – Vice Chair Kelly Russell – Alderman & Secretary Joan Strawson Dorothy Menelas		Gabrielle Collard, Division Manager of Current Planning Brandon Mark, Division Manager of Comprehensive Planning/Urban Development Scott Waxter, Assistant City Attorney Jessica Murphy, Administrative Assistant Pam Reppert, Planner III Sherry Kelly, Planner II Cherian Eapen, Traffic Engineer Scott Geasey, Parks Superintendent

I. CALL TO ORDER:

II. ANNOUNCEMENTS:

Ms. Collard made the following announcements about upcoming events and opportunities:

- Planning Commission Workshop items are available online.
- There is a Comprehensive Plan Workshop on June 9, 2020 at 6pm that will be broadcasted on YouTube.

III. APPROVAL OF MINUTES:

Approval of the **May 11, 2020** Planning Commission Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **May 18, 2020** Planning Commission Workshop Meeting Minutes as amended:

MOTION: Commissioner Strawson

SECOND: Commissioner Menelas

VOTE: 5-0.

Approval of the **June 5, 2020** Planning Commission Pre-Planning Meeting Minutes as amended:

MOTION: Commissioner Burns

SECOND: Commissioner Menelas

VOTE: 5-0.

IV. PUBLIC HEARING-CONSENT ITEMS:

(All matters included under the Consent Agenda are routine by the Planning Commission. They will be enacted by one motion in the form listed below, without separate discussion of each item, unless any person present – Planning Commissioner, Planning Staff or citizen -- requests an item or items to be

removed from the Consent Agenda. Any item removed from the Consent Agenda will be considered separately at the end of the Consent Agenda. If you would like any of the items below considered separately, please say so when the Planning Commission Chairman announces the Consent Agenda.)

A. PC20-200PFCP/FFCP, Preliminary Forest Conservation Plan and Final Forest Conservation Plan, Commons of Avalon Offsite Planting in Willow Brook Park

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the consent agenda.

SECOND: Commissioner Strawson

VOTE: 5-0.

V. CONTINUANCES:

B. PC20-186ZMA, Zoning Map Amendment, 515 S. Market Street

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve a continuance to the July 13, 2020 Planning Commission Hearing.

SECOND: Commissioner Strawson

VOTE: 5-0.

C. PC20-78FSU, Final Subdivision Plat, Wolcott & Van Ryzin

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve a continuance to the July 13, 2020 Planning Commission Hearing.

SECOND: Commissioner Strawson

VOTE: 5-0.

VI. MISCELLANEOUS:

D. PC19-889PSU/FSI, Combined Preliminary Plat and Final Site Plan, Bloomfields

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to reconsider the motion made on May 11, 2020 with regards to the modification to Section 607 of the LMC, entitled *Parking and Loading Standards* due to the error in documentation and testimony.

SECOND: Alderman Russell

VOTE: 5-0.

VII. OLD BUSINESS: None

VIII. NEW BUSINESS:

E. PC19-1284FSI, Final Site Plan, Weis Gas-n-Go

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the final site plan for Weis Markets Gas-n Go, PC19-1284FSI, finding that the plan complies with all of the applicable criteria of Articles 3, 4, 5, 6, 8 and 12 of the LMC, the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. The landscape plan must be signed and sealed by a registered Landscape Architect

SECOND: Commissioner Menelas

VOTE: 5-0.

F. PC20-201FSI, Final Site Plan, China Garden

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve the modification Section 601, Table 601-2, based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

SECOND: Alderman Russell

VOTE: 4-1. (Commissioner Burns Opposed)

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the final site plan PC20-201FSI China Garden, finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that is consistent with the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. Provide a pedestrian path from the public right of way of W. Patrick Street to the building.
2. Update Note # 13 to include the NAC 9 meeting date of May 13, 2020.

3. Update Note # 15 to indicate the approval date of the of the modification for entrance spacing and remove the reference to the street tree waiver.
4. Update Note # 17 to indicate the approval date of the APFO exemption for roads, remove the language “and therefore, an APFO-R certificate is not required”, and add the issue date of the certificates for water and sewer.
5. Provide a note for the approval date and case number for the combined forest plan.
6. The public access easement for the pedestrian path from W. Patrick Street to Maryvale Park through the site must be recorded and the recording reference added to the plan.
7. Show the floodway delineation on the plan.
8. The Applicant must either revise the plan to relocate areas of disturbance out of the existing floodplain or comply with MDE requirements to obtain the appropriate permits for this work.
9. Add a note stating that adjustments to ADA ramps and curbing along W. Patrick Street may be required at the time of Improvement Plan review.
10. The Applicant must either show sufficient intersection sight distance from the eastern access or provide adequate signage or control as determined by the Engineering Department to preclude left turns.

SECOND: Commissioner Strawson

VOTE: 5-0.

G. PC20-202FSCB, Combined Forest Stand Delineation and Preliminary Forest Conservation Plan, China Garden

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved for unconditional approval of the combined forest stand delineation and preliminary forest conservation plan (PC20-202FSCB) China Garden, to pay a fee in lieu of mitigation in the amount of \$2,221.56, based on compliance with all applicable standards of Section 721 of the LMC.

SECOND: Commissioner Menelas

VOTE: 5-0.

H. PC20-207FSI, Final Site Plan, 100 N. Market Street

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve approval of the modification to Section 605(c)(3), based on the analysis in the staff report and finding that:

1. The request is not contrary to the purpose and intent of the Code;
2. The request is consistent with the Comprehensive Plan; and
3. The application includes compensating design or architectural features so as to meet overall objectives of the particular requirement.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to approve the final site plan (PC20-207FSI), 100 N. Market, finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, that is it consistent with the 2010 Comprehensive Plan, and that the site will be adequately served by public facilities, with the following conditions:

1. The ROW encroachment agreement must be approved by the Mayor and Board of Aldermen.
2. Update Note # 15 with the approval date and recording reference for the ROW encroachment agreement.
3. Revise Note #13 to reference Section 309(n).
4. Provide a note for the approval date of the modification.

SECOND: Commissioner Menelas

VOTE: 5-0.

I. PC PC20-209PFCP/FFCP, Renn Mixed Use, Preliminary Forest Conservation Plan and Final Forest Conservation Plan

PLANNING COMMISSION ACTION:

MOTION: Commissioner Strawson moved to approve a modification to Section 721(d)(2), to remove specimen tree S4 based on the following findings:

1. The condition of rezoning that the Applicant provide the parkland dedication and shared use path construction is a special condition peculiar to the property;
2. That enforcement of the ordinance would confer unwarranted hardship in impacting the ability to provide stormwater management facility and parkland improvements;
3. That granting the modification will not confer a special privilege on the Applicant that would be denied to other applicants in that the Applicant is providing the full forest conservation mitigation required while also providing parkland improvements;
4. The request is not a result of the Applicant's actions, but instead the need to provide for construction of the shared use path and stormwater management within the parkland as allowed by the Mayor and Board of Aldermen.
5. That the request does not arise from a condition relating to land or building use, either permitted or nonconforming in a neighboring property; and
6. The removal of the tree does not adversely affect water quality with the Applicant providing regional stormwater management and stream restoration areas for the City.

SECOND: Commissioner Menelas

VOTE: 5-0.

PLANNING COMMISSION ACTION:

MOTION: Commissioner Burns moved to conditionally approve Renn Combined Preliminary Forest Conservation/Final Forest Conservation Plan (PC20-209PFCP/FFCP), for 30.09 acres of planting and 11.37 acres of street tree credit towards total 41.46 acres of forest requirement, based on compliance with Section 721 and all other applicable sections of the LMC, with the following conditions to be met:

1. On the protection signage, remove the word “seedling”.
2. Add a note that the “tree line at the rear of the cemetery is to be evaluated for health condition to save the trees instead of clearing and replanting.”
3. In the legend, add the width the Proposed Trail.
4. Conceptually show and add a note that the 5K loop alignment along Highland Street to accommodate the shared-use path/trail within the shoulder of Highland Street created by narrowing the roadway pavement width (28 feet minimum; i.e., 14 feet in either direction from the existing double yellow center line, by shifting the existing curb line on either side of Highland Street 8 feet to the center) to be finalized with the Park Final Site Plan with Engineering Department approval.
5. Add a note to the plan that the Applicant will work with Engineering Department during improvement plans review to accommodate the shared-use path/trail alignment along Highland Street and to connect this trail to those along Carroll Creek on Lots J&K and along Bond Street, with the narrower section to accommodate the trail along Highland Street extended between south of Bond Street and East Church Street.

SECOND: Commissioner Menelas

VOTE: 5-0.

Meeting approximately adjourned at 8:10 pm

Respectfully Submitted,

Jessica Murphy
Administrative Assistant